IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 10078 of 1995

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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BINDI GAS AGENCY - Petitioner(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR DD VYAS for Petitioner(s) : 1,
MR DIPEN DESAI, AGP for Respondent(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 03/05/2007

ORAL JUDGMENT

1. Shri D.D.Vyas, learned counsel for the petitioner; Shri Dipen Desai, learned AGP for

the respondent-State.

2. The petitioner who is running a gas agency at Dhrangadhra, suffered inspection on 9.4.94 and also order of seizure on 13.4.94. On 6.6.94, a notice to show cause was issued. On 13.6.94, the petitioner filed his reply. On 16.4.94, District Supply Officer was pleased to suspend the license of the petitioner for a period of 90 days under Section 8[2] of the Gujarat Essential Articles [Licensing, Control and Stock Declaration] Order, 1981. Present petitioner filed Appeal No. 10/94 before the Collector, Surendranagar, the appeal was admitted, but however, interim relief prayed for by the petitioner was rejected. The petitioner being aggrieved by the rejection of interim relief, filed revision before the State Government, the State Government suspended the effect and operation of the order dated 16.4.94 passed by the District Supply Officer and directed the Collector to decide the appeal on or before 12.7.94. The appeal was dismissed on 7.7.94. However, license was to remain suspended up to

31.8.94. The said order passed by the Collector was challenged by the petitioner in Revision Petition before the State. The State Government rejected the revision application on 26.9.95.

3. The order dated 26.9.95 is now being challenged before this Court.

4. By way of amendment, the petitioner has also challenged the proceedings initiated under Section 6 of the Essential Commodities Act,1981, relating to forfeiture.

5. It is to be noticed that no interim order was granted by this Court against the order of suspension, therefore, the said period had run out. However, continuation of the proceedings under Section 6 were stayed by this Court.

6. As the period of suspension has taken its full effect, no useful purpose will be served by examining the matter on merits. That part of the prayer can safely be rejected.

7. So far as the proceedings initiated in pursuance to the show cause notice dated 6th June, 1994 [Annexure:B] are concerned, I do not think that the petitioner has made out any cause for

quashing of the said proceedings. That prayer is also rejected, but however, the petitioner would be entitled to take all possible defences available to him including the defence that this Court did not interfere in the matter of suspension because that relief, by lapse of time, had become infructuous. The petition is disposed of. Rule is discharged accordingly. No costs. Interim relief, if any, is vacated.

[R.S. GARG, J.]

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